



INSTREAM FLOW DISCUSSION PAPER
Agriculture, Fish and Water: Comprehensive Irrigation District
Management Plan Guidelines Development Process
July 2000

Recommendations of the AFW ID Executive Committee: July Meeting

- Creation of Instream Flow Task Group
 - List of Comments: AFW Participant Issues and Policy Considerations relating to the CIDMP Assessment of Instream Flows
 - Development of White Paper Guidance on Instream Flow Assessment
-

The AFW Executive Committee has determined that instream flow issues are of such importance that a thorough discussion of those issues will assist both the AFW CIDMP workgroup in its effort to develop the Guidelines and the Executive Committee itself when making policy decisions related to instream flow guidance;

The AFW Executive Committee began by soliciting comments, issue identification and policy considerations from those in attendance at the July 18th meeting in Okanogan. The Executive Committee then directed AFW staff to compile the comments and to organize them in a manner that would facilitate a more thorough discussion of the instream flow issues. The Executive Committee then recommended that a small task group be formed to address the instream flow issues.

The Task Group:

- The Task Group will consist of representatives of the AFW Executive Committee and the AFW workgroup. (Landino or designee, Gerry Jackson or designee, Tom Myrum, Ken Slattery, John Mankowski, Jim Priest, and Bill Robinson. Myrum needs to decide on an Irrigation District representative.)
- Dick Wallace was selected to organize and chair the Task Group and to report back to the Executive Committee at the September meeting.
- The Task Group was charged with developing a short “white paper” for presentation to the Executive Committee directing the workgroup to include specified guidance

regarding instream flow issues within the Assessment Chapter of the CIDMP Guidelines Manual.

Instream Flows: The CIDMP Assessment Process:

The Comprehensive Irrigation District Management Plan Guidelines will contain a chapter guiding the Plan proponent and the assembled Technical Advisory Team through an assessment of the district's operations as they may or may not impact Endangered Species Act and Clean Water Act issues.

The cooperative assessment of irrigation district operations may indicate that instream flows present specific concerns for fisheries habitat or water quality. If this is the case, given the sensitivity, gravity and complexity of the issues, it is important that this portion of the CIDMP manual deal with the subject in a clear and thorough manner. It is equally important that where policy considerations should be included in the planning manual, that those policy consideration be clearly indicated.

In order to make the CIDMP manual useful and attractive to potential participants, it is important that the instream flow assessment section offer clear and consistent guidance to all those involved in the planning process.

Pathways To Instream Flow Setting:

Discussion of instream flow issues within both the AFW Executive Committee and Workgroup meetings have identified several separate pathways for setting instream/target flows. Each pathway contains its unique approach to instream flow setting or a unique process for reaching agreement on instream flows. Because of these differences, the Plan proponent may propose one pathway instead of another for reasons specific to them. The ability to choose pathways leads to a certain amount of flexibility for the Plan proponent, but it may also lead to disagreement as to which is the appropriate or even required path for setting flows. The proponent would then work with the appropriate federal and state agencies on implications for the CIDMP.

Each potential pathway should be given consideration as a possible means of setting flows. The "white paper" should explain the pathways and how each might be used to set instream/target flow and what limitations they present to a Plan proponent seeking both ESA and CWA compliance on a long-term basis.

- ESA Section 7 pathway (i.e. consultation with USBR)
- ESA Section 10 pathway (HCP)
- ESA 4(d) rule pathway (limitations to take prohibitions)
- HB 2514/Watershed planning pathway

- DOE's IFIM pathway (instream flow rule)
- State Water Rights/Water Law Pathway
- EPA/DOE TMDL pathway
- Other Alternative Pathways?

AFW Executive Committee Comments:

Categorized and listed below are various issues, concerns and considerations regarding instream flow guidance for the CIDMP Guidelines Manual. The comments are not necessarily listed in order of importance. Instead they represent short synopses of comments made at the July 2000 Executive Committee meeting.

1. Instream flow process comments:
 - a) Need to be creative.
 - b) Need to be flexible.
 - c) Need to be specific to district and area of impact.
 - d) What are triggers for adaptive management?
 - e) How does this process relate to other ESA/CWA/Watershed Planning/Instream flow processes?
 - f) How do ID interact with other parties in these various processes?
 - g) How does process lead to equitable resolution of identified problem?
 - h) Need to identify tools for getting to instream flows and ways to maintain the flows. What is the disposition of conserved water? What other tools are available to meet instream flows?
 - i) Who decides on methodology where multi species listed, NMFS or USFWS, both?
 - j) Are we going to take a watershed approach?
 - k) Individual actions need to fit into context of watershed based ESA/CWA goals.
 - l) All activities need to fit into overall salmon strategy.
2. Instream flow biological needs comments
 - a) Water may have to given up in certain instances but not in others
 - b) Conservation of the water may be for the species
 - c) Quantity and Quality issues need to be based on physical, chemical and biological needs
 - d) Storage management may be critical for meeting instream needs (existing or new storage)

Note: We have attempted to be accurate when characterizing comments, but some points may have been unintentionally altered.

